
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - State Police and Public Safety and Correctional
Services)**

Introduced and read first time: February 9, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Commercial Driver's License - Hazardous Materials**
3 **Endorsement - Criminal History Records Checks**

4 FOR the purpose of requiring the operator of a commercial motor vehicle placarded
5 for hazardous materials to obtain a criminal history records check before the
6 Motor Vehicle Administration may issue an endorsement of the operator's
7 license to drive the vehicle; prohibiting the Administration from issuing a
8 hazardous materials endorsement without a certain approval; specifying certain
9 procedures and fees to obtain criminal history records checks for operators
10 requesting certain endorsements; defining a certain term; authorizing the
11 dissemination of certain information to certain agencies; authorizing the
12 Criminal Justice Information System Central Repository to collect certain fees;
13 authorizing the adoption of certain regulations; providing that certain
14 information obtained from the Central Repository is confidential and may be
15 used only for a certain purpose; authorizing the subject of a criminal history
16 records check to contest certain information; and generally relating to
17 commercial drivers' licenses and criminal history records checks for hazardous
18 materials endorsements.

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-815
22 Annotated Code of Maryland
23 (2002 Replacement Volume and 2003 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 16-815.

3 (a) (1) A Class A commercial driver's license authorizes the licensee to drive
4 the following motor vehicles and combinations of motor vehicles:

5 (i) Any combinations of vehicles with a gross combination weight of
6 26,001 or more pounds if the GVW of the vehicles being towed is in excess of 10,000
7 pounds; and

8 (ii) Any vehicle or combination of vehicles that a Class B
9 commercial driver's license authorizes its holder to drive.

10 (2) An individual who is issued a Class A commercial driver's license
11 under this subsection may not drive or attempt to drive a motor vehicle on any
12 highway in this State unless a Class A commercial driver's license or an appropriately
13 endorsed Class A commercial driver's license authorizes the individual to drive a
14 vehicle of the class that the individual is driving or attempting to drive.

15 (b) (1) A Class B commercial driver's license authorizes the licensee to drive
16 the following motor vehicles and combinations of motor vehicles:

17 (i) Any single vehicle with a gross vehicle weight (GVW) of 26,001
18 or more pounds;

19 (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds
20 GVW; and

21 (iii) Any vehicle that a Class C commercial driver's license
22 authorizes its holder to drive.

23 (2) An individual who is issued a Class B commercial driver's license
24 under this subsection may not drive or attempt to drive a motor vehicle on any
25 highway in this State unless a Class B commercial driver's license or an appropriately
26 endorsed Class B commercial driver's license authorizes the individual to drive a
27 vehicle of the class that the individual is driving or attempting to drive.

28 (c) (1) A Class C commercial driver's license authorizes the licensee to drive
29 the following motor vehicles and combinations of motor vehicles:

30 (i) Any single vehicle less than 26,001 pounds gross vehicle weight
31 (GVW);

32 (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds
33 GVW; and

34 (iii) Any vehicle which a noncommercial Class C driver's license
35 authorizes its holder to drive, except for motorcycles.

1 (2) An individual who is issued a Class C commercial driver's license
2 under this subsection may not drive or attempt to drive a motor vehicle on any
3 highway in this State unless a Class C commercial driver's license or an appropriately
4 endorsed Class C commercial driver's license authorizes the individual to drive a
5 vehicle of the class that the individual is driving or attempting to drive.

6 (d) (1) A commercial driver's instructional permit authorizes the holder to
7 operate commercial motor vehicles of Class A, B, and C subject to the conditions of
8 Subtitle 1 of this title.

9 (2) An instructional permit is not a license within the meaning of the
10 single license restriction placed upon drivers of commercial motor vehicles.

11 (e) (1) In addition to the requirements contained in subsections (a), (b), and
12 (c) of this section, an operator must obtain State-issued endorsements of an
13 operator's commercial driver's license to operate commercial motor vehicles which
14 are:

15 (i) Double/triple trailers;

16 (ii) Vehicles designed to transport 16 or more passengers including
17 the driver (passenger vehicles);

18 (iii) School buses; OR

19 (iv) Tank vehicles[; or

20 (v) Required to be placarded for hazardous materials].

21 (2) A school bus endorsement authorized under this subsection is also an
22 endorsement for vehicles designed to transport 16 or more passengers including the
23 driver (passenger vehicles).

24 (F) (1) IN ADDITION TO THE REQUIREMENTS CONTAINED IN SUBSECTIONS
25 (A), (B), AND (C) OF THIS SECTION, AN OPERATOR MUST OBTAIN A STATE-ISSUED
26 ENDORSEMENT OF AN OPERATOR'S COMMERCIAL DRIVER'S LICENSE TO OPERATE A
27 COMMERCIAL MOTOR VEHICLE THAT IS REQUIRED TO BE PLACARDED FOR
28 HAZARDOUS MATERIALS.

29 (2) BEFORE AN OPERATOR CAN OBTAIN A STATE-ISSUED
30 ENDORSEMENT UNDER THIS SUBSECTION, THE OPERATOR SHALL APPLY TO THE
31 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY FOR A NATIONAL
32 AND STATE CRIMINAL HISTORY RECORDS CHECK.

33 (3) THE ADMINISTRATION MAY NOT ISSUE A HAZARDOUS MATERIALS
34 ENDORSEMENT OF A COMMERCIAL DRIVER'S LICENSE WITHOUT THE APPROVAL OF
35 THE TRANSPORTATION SECURITY ADMINISTRATION OF THE FEDERAL DEPARTMENT
36 OF HOMELAND SECURITY.

1 (4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
2 SERVICES AND THE DIRECTOR OF THE CRIMINAL JUSTICE INFORMATION SYSTEM
3 CENTRAL REPOSITORY, IN CONSULTATION WITH THE ADMINISTRATION, MAY ADOPT
4 REGULATIONS TO CARRY OUT THIS SECTION.

5 (G) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE
6 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
7 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

8 (2) AN OPERATOR REQUESTING A STATE-ISSUED ENDORSEMENT
9 UNDER SUBSECTION (F) OF THIS SECTION SHALL APPLY TO THE CENTRAL
10 REPOSITORY FOR A NATIONAL AND A STATE CRIMINAL HISTORY RECORDS CHECK.

11 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
12 CHECK, THE OPERATOR SHALL SUBMIT TO THE CENTRAL REPOSITORY:

13 (I) TWO COMPLETE SETS OF THE OPERATOR'S LEGIBLE
14 FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL
15 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

16 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
17 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

18 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
19 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
20 RECORDS CHECK.

21 (4) (I) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE
22 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO
23 THE OPERATOR AND THE TRANSPORTATION SECURITY ADMINISTRATION OF THE
24 FEDERAL DEPARTMENT OF HOMELAND SECURITY, A PRINTED STATEMENT OF THE
25 OPERATOR'S CRIMINAL HISTORY RECORD INFORMATION.

26 (II) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO
27 THE CENTRAL REPOSITORY AFTER THE DATE OF THE CRIMINAL HISTORY RECORDS
28 CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE TRANSPORTATION
29 SECURITY ADMINISTRATION OF THE FEDERAL DEPARTMENT OF HOMELAND
30 SECURITY AND THE OPERATOR A REVISED PRINTED STATEMENT OF THE
31 OPERATOR'S CRIMINAL HISTORY RECORD INFORMATION.

32 (5) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
33 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE
34 ADMINISTRATION SHALL VERIFY PERIODICALLY A LIST OF OPERATORS OF
35 COMMERCIAL MOTOR VEHICLES THAT ARE REQUIRED TO BE PLACARDED FOR
36 HAZARDOUS MATERIALS.

37 (6) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
38 THIS SECTION SHALL BE:

39 (I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

1 (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

2 (7) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
3 THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT
4 ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
5 PROCEDURE ARTICLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.